

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
LUFKIN DIVISION

CRAIG CEDRIC BROWN §  
v. § CIVIL ACTION NO. 9:07CV40  
BJ SERVICES COMPANY, ET AL. §

ORDER ADOPTING REPORT AND  
RECOMMENDATION OF UNITED STATES  
MAGISTRATE JUDGE

The [Report and Recommendation](#) of the Magistrate Judge, which contains her findings, conclusions, and recommendation for the disposition of this case has been presented for consideration. The [Report and Recommendation](#) recommends that the [Rule 12\(b\)\(6\) Motion to Dismiss for Failure to State a Claim \(document #28\)](#), filed by Defendants Jerry Ebaugh and Terry Smyers, be granted. Plaintiff submitted a letter, construed as [written objections](#) to the Report and Recommendation, on December 17, 2007. Plaintiff states that he “holds BJ Services Co. accountable for the Defendants Jerry Ebaugh and Terry Smyers for the action of my discharge.”

Having made a *de novo* review of the [written objections](#) filed by Plaintiff, the Court finds that the findings and conclusions of the Magistrate Judge are correct and the objections are without merit. Plaintiff’s superiors and co-workers are not personally liable under Title VII and may not be sued in their individual capacities. *See, e.g., Grant v. Lone Star Company, et al.*, 21 F.3d 649 (5<sup>th</sup> Cir.),

cert. denied, 513 U.S. 1015, 115 S.Ct. 574 (1994). The findings and conclusions of the Magistrate Judge are hereby adopted as those of the Court.

In light of the foregoing, it is

**ORDERED** that Defendants Jerry Ebaugh's and Terry Smyers' Rule 12(b)(6) Motion to Dismiss for Failure to State a Claim (document #28) is **GRANTED** and the claims against these defendants are **DISMISSED** with prejudice. This Order does not affect Plaintiff's Title VII claim against Defendant BJ Services Company.

So **ORDERED** and **SIGNED** this **27** day of **December, 2007**.

  
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Ron Clark, United States District Judge